

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

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Jonathan Leite, \*  
Plaintiff \*

**EXHIBIT**  
**B-12**

v. \* Case No. 1:15-cv-00280-PB

\*  
Corrections Officers Matthew Goulet, \*  
Elmer Van Hoesen, Michael Beaton, Lynn McLain, \*  
Heather Marquis, Trevor Dube, Rhianne Snyder, \*  
Eddy L'Heureux, Jeffrey Smith, Dwane Sweatt, \*  
Yair Balderrama, Bob Morin, Ejike Esobe, and \*  
Kathy Bergeron \*

Defendants \*

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**PLAINTIFF'S FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS**  
**PROPOUNDED ON DEFENDANT JEFFREY SMITH**  
**TO BE ANSWERED WITHIN THIRTY (30) DAYS**

NOW COMES the plaintiff Jonathan Leite, by and through his attorneys Douglas, Leonard & Garvey, P.C., and pursuant to Federal Rules of Civil Procedure 26 and 34 respectfully propounds the within document production requests against the defendant Jeffrey Smith, stating as follows:

**I. Definitions**

A. "Document" for purposes of these requests shall comprise, without limitation, all writings, drawings, graphs, charts, photographs, phono-records, notes, memoranda, correspondence, accounts, e-mail and other compilations or alternately associated strings of data from which information can be obtained or translated, if necessary, by the respondent through detection devices into reasonably useful form.

B. "Identify", when used with reference to a document, shall mean to: (1) state the date; (2) identify the author (and, if different, the originator and/or signer); (3) identify the addressee (and, if different, the recipients); (4) state the type of document (e.g., letter, memorandum, etc.); (5)

state the present (or last known) location of the original and all copies of the document and identity of all custodians of same; and (6) state all other means of identifying the document with particularity. In lieu of the foregoing, business records may be attached to these Answers.

C. "Identify", when used with reference to an oral communication, shall mean to: (1) identify the person making the communication and the person to whom each communication was made and all other persons present at the time of each communication; (2) state the date of each communication; (3) state the place where each communication occurred; (4) if electronically transmitted, identify the persons participating in the communication and state the places where the persons participating in the communication were located; and (5) describe in detail the substance of each communication.

D. "Identify", when used with reference to an individual, shall mean to state: (1) his full name; (2) his job title and business affiliation; (3) the identity of any person and/or business entity for whom he was acting or representing; (4) his present (or last known) business address; and (5) his present (or last known) residence address.

E. "Identify", when used with reference to a business or legal entity rather than a natural person, shall mean to state: (1) the entity's full name; (2) present business purpose; and (3) present (or last known) business address.

F. "Oral Communication", whether made in person or by electronic transmission, shall mean a conversation, statement, conference or other oral message.

G. "Written Communication" shall mean a letter, note, memorandum, telegram, mailgram, telex, e-mail, text message, instant message, fax or other document.

H. "Person" shall mean an individual, corporation, partnership, association, firm, trust or other entity.

- I. "You" shall mean Jeffrey Smith.
- J. "NNHCF" shall mean Northern New Hampshire Correctional Facility.

**II. Document Production Requests**

The plaintiff respectfully requests that the plaintiff produce complete, true and accurate copies of the following documents:

- 1. All documents reflecting inmate counts done on F block of the NNHCF from June 1, 2012 through August 24, 2012.

**ANSWER:** Please attached documents bates numbered 1145-2359.

RESPECTFULLY SUBMITTED:  
JONATHAN LEITE  
By his attorneys:  
DOUGLAS, LEONARD & GARVEY, P.C.

Dated: September 1, 2017

By: /s/Benjamin T. King  
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**CERTIFICATE OF SERVICE**

I hereby certify that the within discovery requests were e-mailed this date to Lynmarie C. Cusack, Esq. and Francis C. Fredericks, Jr., Esq., opposing counsel, pursuant to counsel's agreement to substitute electronic service for paper service.

/s/Benjamin T. King  
Benjamin T. King